

RESPONSE

In response to the Office Action dated July 1, 2004, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 1, 6, 10-13, 16-18, and 26-31 under 35 U.S.C. § 103(a) as being unpatentable by Eldering et al. (U.S. Patent Application No. 2002/0123928 A1) in view of Ludtke (U.S. Patent No. 6,202,210) and rejected claims 2, 3, 5, 7-9, 14, 15, and 19-24 under 35 U.S.C. § 103 as being unpatentable over Eldering et al. (U.S. Patent Application No. 2002/0123928 A1) in view of Ludtke (U.S. Patent No. 6,202,210). The Assignee shows, however, that the pending claims are not disclosed, anticipated, and/or obviated by the cited documents. Thus, the Assignee respectfully submits that the pending claims (claims 1-3, 5-24, and 32-41) are ready for allowance.

§103 Rejection – claims 1, 6, 10-13, 16-18, and 26-31:

The Office rejected claims 1, 6, 10-13, 16-18, and 26-31 under 35 U.S.C. § 103(a) as being unpatentable by Eldering et al. (U.S. Patent Application No. 2002/0123928 A1) in view of Ludtke (U.S. Patent No. 6,202,210). If the Office wishes to establish a *prima facia* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the combination of *Eldering* and *Ludtke* fails to teach or suggest the claim limitations. The Assignee, then, respectfully requests Examiner Ouellette to remove the rejection and to allow claims 1, 6, 10-13, and 16-18. Please note that claims 26-31 are canceled, and, consequently, a response to the rejection of claims 26-31 is not presented.

4. The message processing system of claim 3 wherein the customer relationship management system determines a template for message packages and the template is transmitted to the consolidator module for forming the message packages.
5. The message processing system of claim 4 wherein the template includes marketing content developed by marketing tools in the customer relationship management system.
6. The message processing system of claim 3 wherein the first and second criteria include marketing business rules determined by the customer relationship management system.
7. The message processing system of claim 6 wherein the marketing rules include a rule that messages that include particular marketing content may, or may not, be consolidated.
8. The message processing system of claim 3 wherein the first and/or second criteria include customer preferences.

9. The message processing system of claim 8 wherein the first criteria includes a customer preference on whether or not consolidation is desired.
10. The message processing system of claim 8 wherein the first criteria includes a customer preference on whether or not householding is desired.
11. The message processing system of claim 8 wherein the second criteria includes a customer preference of physical mail or electronic delivery.
12. The message processing system of claim 1 wherein the consolidator module and the distributor are coupled to a statement applications processing module, the statement applications processing module determining at least some of the first and second criteria.
13. The message processing system of claim 12 wherein the statement applications processing module provides message business data to the consolidator module for forming the message packages.
14. The message processing system of claim 12 wherein the statement applications processing module receives data from an automated data factory having a plurality of mail production sites.

respectfully requests Examiner Ouellette to remove the rejection and to allow claims 2, 3, 5, 7-9, 14, 15, and 19-24.

The combination of *Elderling* and *Ludtke* does not obviate the pending claims. As discussed in the sections above, independent claim 1 recites utilizing information relating to a subscriber to identify the subscriber that includes analyzing information to determine the subscriber's desirability in relation to a provider, wherein the subscriber's desirability is used to identify the subscriber to the provider. Independent claims 16 and 17 similarly recite the feature of analyzing subscriber information to determine the subscriber's desirability in relation to a provider, wherein the subscriber's desirability is used to identify the subscriber to the provider. *Elderling*, however, describes systems and methods for matching advertisements to groupings of subscribers by correlating advertisement profiles with subscriber profiles to predict "traits about the subscribers without revealing any private data or raw transaction data associated with the subscribers." (U.S. Patent Application No. 2002/0123928 A1 to *Elderling*, claim 1). *Elderling*, then, fails to teach a method or system that identifies a subscriber to a provider by analyzing information to determine the subscriber's desirability in relation to a provider. And, as further discussed above, *Ludtke* fails to cure the deficiencies of *Elderling*.

For these reasons and others, the combination of *Elderling* and *Ludtke* fails to disclose or suggest independent claims 1, 16, and/or 17. And because claims 2, 3, 5, 7-9, 14, 15, and 19-24 depend upon these independent claims, *Elderling* and *Ludtke* cannot teach or suggest these claims, and consequently, claims 2, 3, 5, 7-9, 14, 15, and 19-24 would not have been obvious to one of ordinary skill in the art. The Assignee, then, respectfully asks Examiner Ouellette to remove the §103 rejection and to allow the pending claims.

New claims 32-41:

This amendment adds claims 32-41. Support for new claims 32-34 is found in paragraphs 42 (disclosing ". . . other video source. . .") and 51 (disclosing ". . . the program inserts data describing the other video source 404 into the subscriber content-choice database (128) . . .") and FIG. 4. Support for new claims 35-41 is found throughout the specification and

figures including paragraphs 35-37, 68, and 69-77. The number of independent claims is now seven (7), and the total claims are now thirty-three (33). The Assignee includes \$88 each for the three (3) extra independent claims (\$264) and \$18 each for the four (4) excess claims (\$72). The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for \$336.

CONCLUSION

All of the rejections have been overcome. Further, none of the references cited by Examiner Ouellette, alone or in combination, disclose or suggest the claimed invention. Therefore, Assignee respectfully solicits a Notice of Allowance for all pending claims (claims 1-3, 5-24, and 32-41).

AUTHORIZATION FOR PAYMENT OF FEES

If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or bambiwalters@cox.net.

Respectfully submitted,



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